

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

1 UNITED STATES OF AMERICA,) **Case No. 3:17-CR-00459-L-1**
2)
3 Plaintiff,)
4) Dallas, Texas
5 v.) September 22, 2017
6) 1:00 p.m.
7 BYRON KEITH RISER,)
8) DETENTION HEARING
9 Defendant.)
10 _____)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE PAUL D. STICKNEY,
UNITED STATES MAGISTRATE JUDGE.

11 APPEARANCES:

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1 DALLAS, TEXAS - SEPTEMBER 22, 2017 - 1:07 P.M.

2 THE COURT: The Court calls for a detention hearing
3 the case of United States of America versus Byron Keith Riser.

4 MR. MEITL: P.J. Meitl for the Government, Your Honor.

5 MS. BRENNAN: Erin Brennan for Mr. Riser.

6 THE COURT: This is the time and place set for a
7 detention hearing in this matter. Is the Government ready to
8 proceed?

9 MR. MEITL: We are, Your Honor.

10 THE COURT: Is the Defense ready?

11 MS. BRENNAN: We are, Your Honor.

12 THE COURT: The Government may call its first witness.

13 MR. MEITL: Thank you, Your Honor. We call Kevin
14 Whitworth.

15 THE COURT: If you'd raise your right hand.

16 (The witness is sworn.)

17 THE COURT: Thank you.

18 MR. MEITL: May I proceed, Judge?

19 THE COURT: Please.

20 KEVIN WHITWORTH, GOVERNMENT'S WITNESS, SWORN

21 DIRECT EXAMINATION

22 BY MR. MEITL:

23 Q Detective, why don't you introduce herself to the Court?

24 A Yes. I'm Detective Kevin Wentworth. W-H-I-T-W-O-R-T-H.

25 Badge No. 7889. I'm a detective with the Dallas Police

1 Department Narcotics Division and a TFO with the ATF HIDTA.

2 Q And are you one of the case agents on a case known as
3 United States of America versus Byron Keith Riser?

4 A Yes, sir.

5 Q All right. Let's start back in July of this previous -- of
6 this year. Did you or other agents attempt to purchase drugs
7 from Mr. Riser?

8 A Yes, sir.

9 Q And were you able to do so?

10 A Yes.

11 Q What happened on that date?

12 A Which date, sir, are we --

13 Q July 13th, the first date when -- well, the first
14 transaction.

15 A Yes. Used a DPS confidential informant, which purchased
16 marijuana from Mr. Riser.

17 Q And so does that mean that Mr. Riser actually handed the
18 marijuana in exchange for the cash?

19 A Yes.

20 Q Okay. Let's move forward to August 3rd. Now, are you --
21 have you become familiar with the fact that other jurisdictions
22 are also investigating Mr. Riser?

23 A Yes.

24 Q And which one in particular?

25 A Richardson PD.

1 Q And did they attempt to purchase drugs from Mr. Riser on an
2 occasion on August 3rd?

3 A Yes, sir.

4 Q And what kind of drugs were they buying on that occasion?

5 A Tar heroin.

6 Q And did they buy heroin from him?

7 A Not from him, but they had recorded phone calls with him
8 and negotiated the purchase of it, and a female from the
9 apartment delivered the tar heroin.

10 Q Is Mr. Riser known by a nickname?

11 A Yes.

12 Q What's that?

13 A Blue.

14 Q And so on these recorded phone calls, you've seen reports
15 related to these calls?

16 A Yes, sir.

17 Q Blue himself is on these calls, making the deals for the
18 heroin?

19 A Yes, sir.

20 Q Now, is the Richardson Police Department furthering their
21 investigation into that transaction?

22 A Yes.

23 Q What is the suspicion or what is the concern that the
24 Richardson Police Department has with -- in particular with
25 that transaction?

1 A The -- for an overdose death in their town from tar heroin
2 is from that residence.

3 Q And Mr. Riser is a suspect in that case in the sense that
4 he sold heroin to the individual who later overdosed?

5 A Right.

6 Q Okay. So we just did July 13th and August 3rd. Moving
7 forward to August 8th, did you or other agents attempt to buy
8 drugs from Mr. Riser once again on that date?

9 A Yes, sir.

10 Q What kind of drugs?

11 A There was a confidential informant used that purchased
12 crack cocaine and marijuana from the residence from two
13 females.

14 Q Okay. Now, you said residence. What residence are we
15 talking about?

16 A 904 North Marsalis, Apartment A.

17 Q Have you been to that residence?

18 A Yes, I have.

19 Q And is it an apartment or a house?

20 A It's an apartment.

21 Q Has Mr. Riser been seen there on one occasion or multiple
22 occasions?

23 A Multiple occasions.

24 Q Does he appear to reside there on -- at various times?

25 A Yes, sir.

1 Q Do other individuals appear to reside there?

2 A Yes.

3 Q Do those individuals tend to have a similar occupation or
4 engage in some type of behavior that's similar to each other?

5 A According to intel, prostitution -- prostitutes.

6 Additional individuals that distribute narcotics.

7 Q Now, based on your experience as a DPD officer and your
8 observations of this house, does it appear to be a place where
9 prostitutes reside or stay or work?

10 A Yes.

11 Q Okay. Now, on this occasion, the August 8th, you said that
12 drugs were purchased from two females, correct?

13 A Yes.

14 Q Based on your investigation in this case, did those
15 individuals happen to be prostitutes?

16 A Yes.

17 Q Were they doing it on their own or at the direction of Mr.
18 Riser?

19 A Upon the direction of Mr. Riser.

20 Q How do you know that?

21 A From investigation.

22 Q Okay. Now, on August 17th, was there another purchase of
23 drugs from Mr. Riser or people associated with him?

24 A Yes, sir.

25 Q And what happened on that date?

1 A Mr. Riser delivered to a confidential informant marijuana.

2 Q All right. Based on these drug sales, did you or other
3 agents attempt to get a search warrant for that address, that
4 Marsalis address?

5 A I did obtain a search warrant. Yes, sir.

6 Q And did you and other agents execute that search warrant?

7 A Yes, sir, on August 22, 2017.

8 Q Was Mr. Riser there at that time?

9 A Yes, he was.

10 Q Did it appear that he had any items in the house that were
11 his that were not on his person?

12 A Yes. He had an identification, I believe a debit card that
13 had his name on it. When -- he was standing outside in a
14 common area. And when he was placed and detained, he did say
15 that he resided in that apartment.

16 Q Okay. What drugs, if any, were found when agents searched
17 the residence?

18 A Black tar heroin, marijuana, crack cocaine.

19 Q Were there other prescription pills found in the address as
20 well?

21 A Yes, sir.

22 Q And did the officers find any firearms?

23 A Yes. There was a .45-caliber handgun found under the couch
24 close to some of the narcotics.

25 Q You say close to narcotics. Were narcotics found near the

1 couch?

2 A Yes. In the living room area.

3 Q Okay. So, we have multiple drug sales. We have the search
4 warrant. Is there other reasons that DPD is interested in Mr.
5 Riser?

6 A Yes.

7 Q Briefly tell us what those are.

8 A There was a murder which occurred back in March of this
9 year in which a female by the name of Lisa Saenz was found dead
10 at -- shot to death in the Trinity River, close proximity to
11 this residence. The detective in the Homicide Division knew
12 that she resided at this -- at the residence with Mr. Riser at
13 that 904 North Marsalis, Apartment A address. Through
14 investigative techniques from the Homicide Division, they knew
15 on the night that she was murdered that she was at that
16 apartment, she left the apartment, she was picked up close to
17 the apartment, and then approximately five minutes later, after
18 being forcefully abducted, she was, again, murdered and dumped
19 into the Trinity River, and that the Homicide Division is --
20 again, this is still under investigation, and three individuals
21 were charged with that capital murder yesterday, but with her
22 association with Mr. Blue and other associates that he has,
23 with that murder, an additional murder, her being a state
24 witness, you know, it -- I mean, it's just -- I think it's a
25 continual deal, --

1 Q Okay.

2 A -- but everything started from there.

3 Q Let's slow down. Now, you said that there was a murder of
4 Ms. Saenz back in March, correct?

5 A Yes.

6 Q And she had been staying at the 904 Marsalis, Apartment A,
7 the same place you said Mr. Riser admitted he lived?

8 A Yes.

9 Q What was her involvement in a prior case, if any?

10 A She -- her baby daddy was charged with a murder. And I'm
11 not sure when that murder happened. Last name of Trevino. And
12 she was, the way I understand it with the Homicide Division, a
13 witness on that. And through interviews with the suspects that
14 are charged with the murder, it was requested by individuals
15 like Mr. -- like the Trevino that was arrested for the murder
16 for her to make contact with witnesses on that murder and -- so
17 they would not show up to the trial.

18 Q Okay. So, just so I understand, her role was to assist the
19 defense in convincing witnesses, persuading witnesses not to
20 show up at a murder trial?

21 A Yes.

22 Q Was that defendant, Mr. Trevino, ultimately convicted or
23 was he acquitted?

24 A He was convicted.

25 Q And do you know, based on anything that happened in the

1 court that day, whether they blamed this individual, Ms. Saenz,
2 for that conviction?

3 A Yes. According to Detective Montenegro, something was said
4 to her after the conviction was read out.

5 Q And was her murder in temporal -- was it near the same time
6 as his conviction?

7 A Yes.

8 Q How close in time?

9 A I'm not sure of what the trial date on that was, but just
10 talking with Detective Montenegro, he had recognized her in the
11 courthouse that day. And when the murder occurred and she was
12 found on March the 10th -- and I'm assuming he was out at the
13 scene -- he recognized her from being in the courtroom that
14 day.

15 Q And is -- based on the investigation, is there a connection
16 between Trevino, the individual who was convicted of murder,
17 and Mr. Riser and those at the 904 Marsalis?

18 A Yes.

19 Q What is the connection that you know of?

20 A Well, we know through phone records and stuff that there
21 has been phone calls made between -- between all of them,
22 including Mr. Riser's son, who is a DPD officer. They got 12
23 phone calls between the main suspect between February and
24 March, between the main suspect and Mr. Riser's son also that
25 -- in between the time of the murder.

1 Q Mr. Riser has multiple children, one of which is a DPD
2 officer?

3 A Yes, sir.

4 Q And one who is a Dallas Sheriff's officer?

5 A Yes.

6 Q Is the DPD officer an active officer or is he -- has
7 something happened to his employment?

8 A I believe right now he is on administrative or restrictive
9 -- administrative leave for a family violence deal.

10 Q All right. And is he a subject of that murder
11 investigation as well?

12 A Yes.

13 Q As is the son who's with the Dallas Sheriff's Office?

14 A Yes.

15 Q All right. Now, just to be clear, Ms. Saenz, the
16 individual who was murdered, the woman who was murdered, was
17 she also a prostitute, based on the investigation?

18 A Yes.

19 Q Was she also someone that was using heroin?

20 A Yes.

21 Q Similar -- is that person similar to the two women who your
22 investigation bought drugs from who were working for Mr. Riser?

23 A Yes.

24 Q Do you have a concern that Mr. Riser or others, now that
25 he's facing federal time, might want to do harm to another

1 witness?

2 A Yes.

3 Q Is there a concern by DPD and Richardson Police Department
4 that Mr. Riser is a danger to the public because he's selling
5 heroin to individuals that's leading to overdoses?

6 A Yes.

7 Q And as far as you know, is this the first time Mr. Riser
8 has faced a federal charge?

9 A As far as I know, yes, sir.

10 Q Based on your conversations with the prosecutor and others,
11 do you understand Mr. Riser is looking at significant prison
12 time based on this conduct and the overall weight that's
13 attributed to him?

14 A Yes.

15 Q Do you have a concern that Mr. Riser might, given his age
16 and what he's looking at, might not appear in court or comply
17 with any conditions that the Court imposes upon him?

18 A We -- when we issued the federal warrant and we sent our
19 Fugitive Task Force and the Marshals out, they were unable to
20 locate him.

21 Q Even though -- they were looking for him at that Marsalis
22 address?

23 A Yes.

24 Q And they have been unable to find him even using all their
25 means at their disposal?

1 A Yes.

2 MR. MEITL: Your Honor, those are all the questions I
3 have.

4 THE COURT: Thank you. Cross-examination?

5 MS. BRENNAN: Yes.

6 CROSS-EXAMINATION

7 BY MS. BRENNAN:

8 Q You've stated that other persons live at the Marsalis
9 apartment, too. Who are those other persons?

10 A I'm sorry. It was who else resides --

11 Q Yeah. Who else resides there?

12 A I'm sure different people at different times. Again, I
13 know that two females sold drugs out of there.

14 Q And those are the two prostitutes you mentioned?

15 A Yes, ma'am.

16 Q Okay. And did they live there?

17 A They -- no identification said that that was their address,
18 but I mean, again, one of them, I did arrest on the search
19 warrant. She was there that day. And she did have some
20 paperwork from -- like from a child -- a CPS deal or something
21 that was in the bedroom. So it looked -- it seemed like she
22 resided there, too.

23 Q Okay. Was she arrested on the date of the search warrant?

24 A Yes. On August 22nd.

25 Q And was anyone else present when the search warrant was

1 executed?

2 A Yes, ma'am.

3 Q Who else was there?

4 A Do you want names?

5 Q Please.

6 A Yes. Can I -- do you mind if I look at my report?

7 Q No, that's fine.

8 A Okay.

9 Q Sure.

10 A (Pause.) Jordie Lewis was confronted in the living room.
11 Veronica Miranda was confronted in the bathroom. That was it
12 inside the residence. Mr. Riser was outside. And I know
13 there's another individual outside.

14 Q And then which one is the prostitute that you were
15 mentioning?

16 A Veronica Miranda.

17 Q Veronica? Okay. And did they speak with law enforcement?
18 They were both arrested.

19 A Yes. No, yes, I transported Mr. Lewis, Ms. Miranda and Mr.
20 Riser to DPD CAPERS.

21 Q Okay. And did they interview -- did they give a statement
22 or -- you said that they are both working at the direction of
23 Mr. Riser. Did --

24 A Yeah. Mr. Riser was Mirandized and he requested an
25 attorney. Mr. Lewis was interviewed. It was determined --

1 Q Oh, that's a Mister?

2 A Yeah.

3 Q Okay.

4 A Yeah. Jordie Lewis.

5 Q Okay.

6 A He was -- his mom is the one that's the property manager
7 there. And after he interviewed, it seemed like he didn't have
8 any involvement, he was never observed there before, so he was
9 let loose.

10 Q Oh, okay.

11 A And then Veronica Miranda was arrested and charged.

12 Q And did she make a statement?

13 A Basically, I talked to her for a little bit. I didn't want
14 to interrupt the homicide investigation with Detective
15 Montenegro, so I spoke with her briefly, and most of her
16 concern was about her children and that, you know, that she did
17 know -- I did acknowledge that she was on video prior to this
18 date, on video selling drugs. She did acknowledge it, but she
19 didn't make any statements to me.

20 Q Okay. So she didn't -- she never told you she was working
21 at the direction of Mr. Riser?

22 A No, ma'am.

23 Q All right. That's just something that you all came up with
24 outside of a statement by her?

25 A What do you mean?

1 Q You said that she was -- they -- two prostitutes were
2 working at the direction of Mr. Riser, and so I'm just
3 wondering where did that come from.

4 A Well, --

5 Q You said investigative techniques, but --

6 A Well, are you talking about just like that -- well, we know
7 that they were in there selling drugs, without him. They were
8 in there selling drugs when he was in there, too. I mean, on
9 video. So, I mean, if somebody's not there, you know, and
10 that's his apartment, I'm not saying that, I mean, you know,
11 they could stay there, but --

12 Q And that's his apartment? Was it -- did he lease that
13 apartment? Was he on the lease, or --

14 A We don't -- we don't check that. I mean, I just, we know
15 that he was -- that he stayed there. He'd been interviewed
16 there prior. He tells us that he stays there --

17 Q How long did you guys conduct surveillance on that
18 apartment?

19 A For about -- about two months.

20 Q Okay.

21 A Yes, ma'am.

22 Q Okay.

23 A And through phone pings, too, that we know that he's in
24 that apartment on a daily basis.

25 Q All right. And so as far as Mr. Riser actually selling

1 drugs himself, that would be on two occasions, July 13th and
2 then August -- I missed that date.

3 A I think -- I believe it was the 17th. Yes, ma'am.

4 Q August 17th?

5 A Yes, ma'am.

6 Q Okay. All right.

7 A And then on the -- August --

8 Q 22nd, he was present when the search warrant was executed?

9 A Yeah. The -- also, on the buy on the 13th, I also made
10 contact with Mr. Riser at that apartment, too.

11 Q Okay. And on the 13th, he sold marijuana to a CI?

12 A Yes, ma'am.

13 Q Is that right? And then -- and August, same thing, he sold
14 marijuana to a CI?

15 A Yes, ma'am.

16 Q Okay. And --

17 A And on -- yeah, okay, that's right.

18 Q All right. And now getting to the death of Lisa, you said
19 that -- Mr. Meitl asked you how Mr. Riser supplied to Mr.
20 Trevino, and you said that you have phone calls made between
21 all of them?

22 A Yes, ma'am.

23 Q And then you said Riser's son and the main suspect, and so
24 the main suspect was Trevino?

25 A Oh, on the murder? No. They're -- they were charged

1 yesterday. It's a Kilpatrick, two other names.

2 Q Oh, this was on a different --

3 A Yeah. This was a completely separate homicide.

4 Q Okay.

5 A There was -- the -- Ms. Saenz, her baby's father was the
6 one that was charged with murder.

7 Q Okay.

8 A And convicted.

9 Q And she was the one who was supposed to help with these --

10 A Yes.

11 Q -- witnesses? Okay. But so did you have phone calls made
12 between Mr. Riser, or is it just his son and then you're tying
13 that to Mr. Riser?

14 A No. I mean, I'm just saying through investigative -- of
15 the Homicide Division, they do all the phone records and stuff,
16 and they know all these phone calls to be -- to have taken
17 place. And, you know, like --

18 Q I guess my question is, were there any phone calls from Mr.
19 Riser's phone, then?

20 A No. Not that I know of.

21 Q Okay.

22 A I can't answer that one.

23 Q Okay. And you all know that Lisa Saenz stayed at the
24 apartment. Is that through surveillance? Is that through
25 phone records?

1 A Her mom, I believe, told the detective that where she
2 lived.

3 Q And when did she pass away?

4 A On -- I believe they found her on March the 10th.

5 Q Of 2017?

6 A Yes, ma'am.

7 Q And three people were charged in that?

8 A Yes, ma'am.

9 Q And are they still -- are they --

10 A In Dallas County.

11 Q No. They were actually charged yesterday, capital murder.

12 A Oh, okay. I think I'm getting confused on Lisa Saenz'
13 murder and then there is another murder --

14 A Yes.

15 Q -- where she was supposed to testify as a defense witness.
16 Okay.

17 A No. No, she -- I don't -- she was just -- she was told --
18 her boyfriend, with her baby daddy, --

19 Q Uh-huh.

20 A -- that she -- that was a -- that was a -- that was a prior
21 deal to this, yeah.

22 Q Right, right, right, right.

23 A Okay.

24 Q And that was her baby daddy was charged. What murder was
25 that?

1 A I don't know which one.

2 Q Okay.

3 A Yeah.

4 Q All right. How did you guys come up with she was supposed
5 to be helping defense witnesses, or the defense convince
6 witnesses not to testify?

7 A That is through interviews, I'm sure, with Detective
8 Montenegro and the suspects.

9 Q Okay. All right. Are you familiar with Mr. Riser's
10 criminal history?

11 A Yes. I looked at it the night. It was very minimal.

12 Q Okay. So if I said he has one felony conviction from 1993,
13 does that sound accurate?

14 A I -- it's -- it'd be a minute, but yeah. I don't even
15 remember seeing a felony conviction on him when I looked at his
16 criminal history, so --

17 Q All right. And so he hasn't been arrested for quite some
18 time?

19 A Right.

20 Q You'd agree with that?

21 A Yes, ma'am.

22 Q And he's got some pending Dallas County cases. He's on
23 bond for those right now?

24 A Yes, ma'am.

25 Q Are you aware of that? Okay. Are you aware of any bond

1 violations he's had or anything like that?

2 A No, ma'am.

3 Q All right. Are you aware of whether not those cases have
4 been indicted?

5 A I am not sure. Those are my cases, so I haven't -- I
6 haven't gone to a grand jury on them, so --

7 Q Okay. So probably not. All right. Thank you.

8 MS. BRENNAN: Pass the witness.

9 THE WITNESS: Thank you, ma'am.

10 MR. MEITL: Nothing else, Your Honor.

11 THE COURT: Thank you. You may step down.

12 THE WITNESS: Thank you.

13 (The witness steps down.)

14 THE COURT: What other evidence for the Government?

15 MR. MEITL: Nothing else, Your Honor.

16 THE COURT: Ms. Brennan?

17 MS. BRENNAN: Yes, Your Honor. I will call Harold
18 Riser.

19 THE COURT: Mr. Riser? Mr. Riser, if you'd come
20
21 forward.

22 MR. H. RISER: Yes, sir.

23 THE COURT: Would you raise your right hand?

24 (The witness is sworn.)

25 THE COURT: Please be seated.

H. Riser - Direct

22

1 MS. BRENNAN: Did you already get his name and
2 spelling? Okay. Just wanted to make sure.

3 HAROLD RISER, DEFENDANT'S WITNESS, SWORN

4 DIRECT EXAMINATION

5 BY MS. BRENNAN:

6 Q Mr. Riser, how do you know Byron Riser?

7 A He's my son.

8 Q All right. And where do you live right now? What's your
9 address?

10 A 4434 Vandervort Drive, Dallas, Texas.

11 Q And who do you reside there with?

12 A My family. My wife and my family.

13 Q Your wife and your family? Okay. Has your son Byron, has
14 he been living with you?

15 A Yes.

16 Q All right. How long has he lived with you? I guess it's
17 been off and on?

18 A Off and on for -- well, since the time of his arrest, he's
19 been with me at my house. That's where he's been. I mean, you
20 know, he had -- he's always had his address where he lived, and
21 my address is secondary.

22 Q Okay.

23 A So he would always be found at my -- we always know where
24 he is.

25 Q How long have you lived in that home?

1 A Ma'am?

2 Q How long have you lived in that home, the Vandervort?

3 A About 40 years.

4 Q Okay. And has your family lived in Dallas, Texas -- has
5 Byron lived here all his life?

6 A No.

7 Q No? Where else has he lived?

8 A Marshall, Texas.

9 Q Okay. Has he lived anywhere else outside of Texas?

10 A No.

11 Q All right. And he's been living there, you said, since his
12 arrest?

13 A Right.

14 Q So, since he's been on bond on his state cases?

15 A Right.

16 Q And so then you're aware that he is on bond on those state
17 cases?

18 A Yes.

19 Q You're aware of them?

20 A Yes.

21 Q Okay. Is he, if the judge here today is supposed to
22 consider whether or not your son can be released, if the judge
23 were to release him, is he welcome to come back to your home?

24 A Yes.

25 Q And would you be willing to act as a third-party custodian

1 for him? Would you be willing to sign him out on a bond?

2 A Yes, I would.

3 Q If the Court wanted you to do that?

4 A Yes.

5 Q Are you aware of your son's criminal history? His prior
6 arrest? He was arrested in 1993.

7 A Yes.

8 Q Are you aware of that?

9 A Yes, I am.

10 Q Okay. And are you aware that he got a sentence of 10
11 years' probation?

12 A Yes.

13 Q And did he complete that probation?

14 A Yes.

15 Q Are you aware of any arrests since that time?

16 A Not since then. That'd be the last time.

17 Q Aside from this case?

18 A This case. Yeah.

19 Q Okay. Are you aware of any substance abuse issues that
20 your son has?

21 A As far as I know, he has any -- he doesn't have any.

22 Q And that home on Vandervort, is -- are there any firearms
23 there? Any drugs there at that home?

24 A No drugs. No drugs. And we do have a pistol, I mean, but
25 we can get -- we have a pistol for our protection.

1 Q Okay.

2 A So --

3 Q And the Court -- you may have to get rid of that if he were
4 to reside --

5 A Right.

6 Q -- at the home with you.

7 A Right.

8 Q You're willing to do that?

9 A I'll be willing to do that, right.

10 Q And Byron graduated high school?

11 A Yes, he did. South Oak Cliff.

12 Q South Oak Cliff? And it looks like he had employment for
13 -- oops, I passed it -- he had employment for about 20 years,
14 is that right, in manufacturing?

15 A Ma'am?

16 Q He had -- he has prior employment in manufacturing?

17 A I'm not understanding you.

18 Q Do you know about his employment history, --

19 A Yes. Yes.

20 Q -- where he's worked in the past?

21 A Yes.

22 Q Where has he worked?

23 A Tyson Foods. Americana Foods. He had always worked until
24 he had that open heart surgery. And then when he had open
25 heart surgery, he got laid off, you know, and couldn't work at

1 the time. But he was drawing his unemployment.

2 Q All right. And is he not in the best physical health right
3 now? He has a hernia? Is that right?

4 A Yes.

5 Q And then he has high blood pressure and complications from
6 that surgery?

7 A Very much so.

8 Q And is he going to the doctor --

9 A Yes.

10 Q -- frequently?

11 A Yes.

12 Q All right. Is there anything that you would want to tell
13 the Court when the Court is deciding whether or not to release
14 him on conditions of release, which is basically a federal
15 bond, that I haven't asked you here today?

16 A No, but I would like to say something. I mean, it's
17 bothering me.

18 Q Okay.

19 THE COURT: Say it.

20 THE WITNESS: Can I say it?

21 THE COURT: I'm happy to hear from you.

22 THE WITNESS: Yes. About that murder?

23 MS. BRENNAN: Yes.

24 THE COURT: Yes.

25 THE WITNESS: They found those people that did it.

1 They -- the people that -- Elija, she was Byron -- one of
2 Byron's friends. But they found who killed her. Today.
3 That's in the papers today. And they confessed to it, too. So
4 that's taken. I mean, I knew he wouldn't -- wouldn't do
5 nothing like that. But you know, I hate to see people think
6 that he would even commit a crime or something of that nature.

7 MS. BRENNAN: Okay. Thank you. I'll pass the
8 witness.

9 THE COURT: Cross-examination?

10 MR. MEITL: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. MEITL:

13 Q Good afternoon, sir.

14 A Good afternoon.

15 Q My name is P.J. Meitl. I'm the prosecutor. Now, you said
16 your son lives at a -- at his house. Where is his house?

17 A His apartment was on Marsalis and Colorado.

18 Q Okay. So, 904 Marsalis, Apartment A, that is his house?
19 His apartment?

20 A I can tell you on Marsalis and Colorado, but as to an
21 address with a number, I don't know. I could show you -- I
22 could point it out to you. But as far as the address, I don't
23 know.

24 Q I understand. Thank you, sir. Now, how long has he lived
25 at that address, if you know?

1 A Probably -- it hasn't been that long. But he lived in the
2 area. He worked at Oak Farms. That's why he got over there.
3 But they tore Oak Farms down. And that's when he had that
4 surgery and went to Tyson. So he had been there in that area,
5 but I don't know how long he had been in that particular
6 apartment. But he was in the apartment down the street next
7 door to it.

8 Q Okay. Who else lives with him on that Marsalis apartment?

9 A No one that I know of.

10 Q Okay. Do you know why he would have told the probation
11 officer that he's lived with you since 2014 and he did not live
12 at Marsalis?

13 A I have six kids, and all of my kids got my address and my
14 telephone number.

15 Q Right. So just like my mother, she'd always take me back
16 in, but that doesn't mean I live there?

17 A That's right. Right.

18 Q Okay. Fair enough. Now, you said you had a pistol in the
19 house, correct?

20 A Yes. Yes, it's a -- just a little Derringer 2. Just for
21 protection.

22 Q I understand. How long have you had that?

23 A Probably about seven, eight years.

24 Q Did your son Byron know you had that?

25 A No.

1 Q He's never seen that before?

2 A None of my kids know we have that.

3 Q Okay. What guns does your son own?

4 A I don't know if my son own a gun or not. I never seen -- I
5 don't know if my son own a gun or not.

6 Q You never talked about a gun with him?

7 A No.

8 Q So if we found a gun at his house, does it seem to you that
9 that would be his gun or someone else's gun?

10 A I couldn't say.

11 Q Okay. Now, you said he previously had jobs but he's not
12 currently working. Correct?

13 A Right.

14 Q When was the last time he worked?

15 A I would say it's maybe a year or something like that.

16 Q So how does he support himself? How does he pay for that
17 apartment?

18 A He -- first, he was on unemployment. Unemployment. And my
19 daughter back there -- well, he -- me and my daughter, the
20 family.

21 Q The family helps him out?

22 A Right.

23 Q Did you know that he sold drugs for a living?

24 A Did I know that he sold drugs?

25 Q Yes, sir.

1 A I was kind of like not really knowing because I didn't ever
2 go over -- no, I -- I didn't really know he did it. I didn't
3 -- to be truthful about it, I didn't know that he was doing it
4 personally.

5 Q Did you have a suspicion that he was involved with that
6 kind of stuff?

7 A Kind of like, yeah. Yeah.

8 Q And he's a grown man, so there's not a whole lot you could
9 do to stop it, right?

10 A Right.

11 Q Is that right?

12 A Right. Well, I didn't know it.

13 Q Right.

14 A I didn't know that he was doing it personally. You know,
15 there's things that happen when you kind of suspect it but you
16 don't know it, but you know something's -- you know.

17 Q Okay. And you said your son does not use drugs, so if we
18 found drugs at his house, that must mean he's selling those
19 drugs, right?

20 A No. I don't think that's possible. I don't -- I don't --

21 Q Well, what's more likely, that he's using drugs or selling
22 drugs?

23 MS. BRENNAN: Your Honor, I'm going to object because

24 --

25 THE COURT: Sustained.

1 MS. BRENNAN: -- there's been -- oh, thank you.

2 THE COURT: You don't have to answer that, sir.

3 THE WITNESS: All right.

4 BY MR. MEITL:

5 Q All right. Let me ask you just a little bit about this
6 murder. You said some individuals were charged yesterday; it
7 was in the paper today. Correct?

8 A Right.

9 Q And you understand that those people were charged with the
10 actual murder of this young woman?

11 A Right.

12 Q You understand that you might be involved in the murder
13 even if you didn't actually pull the trigger?

14 A I understand that, right.

15 Q And you understand that the DPD officer is here today
16 saying that your son is a target of that investigation?

17 A I heard that.

18 Q That means that they're still looking at him for that
19 murder.

20 A That -- but, I mean, he's a person of interest.

21 Q Fair enough, sir.

22 A Right. Okay.

23 Q Did he explain to you, did your son explain to you how he
24 knew Ms. Saenz and what he knew about the murder?

25 A He know nothing. Yes. We -- I -- I interrogated him on

1 that and he knows nothing about that murder. Because he would
2 have told me something about it. But he was very hurt when she
3 was murdered.

4 Q Because he was close to her?

5 A Yes. Yes.

6 Q Were they in a relationship together?

7 A I don't know about their relationship, but her and her
8 husband, they got put out of where they were staying, and they
9 was -- they were staying with my -- with Byron for (inaudible).
10 So, yes, I know -- I do know that much.

11 Q Are you talking about the husband that was convicted of
12 murder?

13 A Right. Right.

14 Q They were staying with your son?

15 A They were staying -- he wouldn't -- if she didn't -- if he
16 didn't have nowhere to stay, is out on the streets, he took
17 them in for a night, to something.

18 Q So they --

19 MS. BRENNAN: Your Honor, I'm going to object to this
20 questioning as being beyond the scope of direct exam.

21 THE COURT: Yes. It probably is. Sustained.

22 MS. BRENNAN: Thank you.

23 MR. MEITL: Judge.

24 BY MR. MEITL:

25 Q Let me just ask you, since you've already said it. Why did

1 you interrogate your son about the murder? Why would you ask
2 him those questions?

3 A Because he was very hurt about it. And the reason was that
4 you know like when the officers and detectives start asking him
5 about it, I couldn't even visualize why they would even ask him
6 about a murder like that.

7 Q Did you talk to your grandsons about the murder?

8 A My grandsons?

9 Q Yes, sir.

10 A You mean, did we discuss it?

11 Q Yes.

12 A Yes, we did.

13 Q What did they tell you?

14 MS. BRENNAN: Same objection.

15 THE WITNESS: They know that he wouldn't do it.

16 THE COURT: Sustained.

17 MS. BRENNAN: Beyond the scope of direct exam.

18 THE COURT: Mr. Riser, you don't -- you don't have to
19 answer that, sir.

20 THE WITNESS: Okay.

21 MR. MEITL: Nothing else, Your Honor.

22 THE COURT: Thank you. Other questions?

23 MS. BRENNAN: No, Your Honor.

24 THE COURT: All right. Thank you, Mr. Riser.

25 THE WITNESS: Thank you.

1 THE COURT: You're excused.

2 (The witness steps down.)

3 MS. BRENNAN: Your Honor, I just have one exhibit with
4 -- it's Mr. Riser's bond paperwork on his --

5 THE COURT: Okay.

6 MS. BRENNAN: -- three pending cases. May I approach?

7 THE COURT: Yes. Exhibit number?

8 MS. BRENNAN: A.

9 THE COURT: Any objection?

10 MR. MEITL: No objection.

11 THE COURT: It's admitted.

12 (Defendant's Exhibit A is received into evidence.)

13 MS. BRENNAN: And then we would just ask the Court to
14 take judicial notice of the Pretrial Services report.

15 THE COURT: Okay.

16 MS. BRENNAN: And that would be it, Your Honor.

17 THE COURT: Thank you.

18 MS. BRENNAN: Thank you.

19 THE COURT: Rebuttal evidence?

20 MR. MEITL: Nothing else, Your Honor.

21 THE COURT: Argument?

22 MR. MEITL: Yes, Your Honor. I'll be brief because I
23 think the Court is more than familiar with it. The Government
24 is moving for pretrial detention of Mr. Riser because he is a
25 danger to the community. He's selling heroin. He's selling

1 cocaine. He's selling methamphetamine. He's selling
2 marijuana. And there's at least one active investigation where
3 that heroin led to the death, an overdose death, or believed to
4 have resulted in an overdose death. That makes him a danger to
5 the community. It's a rebuttable presumption case.

6 Of course, in this drug case, we have this -- additional
7 facts related to the murder. And I understand he's not charged
8 with that, but I believe the Court can consider that as
9 relevant evidence, that the Court can consider whether Mr.
10 Riser poses a danger to the community. Because in that case,
11 Judge, if -- I don't know if it was clear, the way we presented
12 it -- but the individual who was murdered was a witness to
13 another murder and was living with this Defendant.

14 This Defendant, there's now multiple individuals who are
15 very similar to that murdered individual, female prostitutes,
16 using heroin, who are witnesses to his own crimes. And the
17 Government is concerned about that. The Government is
18 concerned about Mr. Riser, concerned about his sons, and
19 concerned about the individuals he's associated with. And it's
20 not just the Government, Judge. Even his own father suspected
21 he was involved in selling drugs. His father was concerned
22 about this murder. And the family is clearly concerned about
23 this.

24 Mr. Riser then lied to Probation, lied to them about his
25 residence, said he had been living with his parents since 2014.

1 Clearly untrue. There's no reason for him to lie about that
2 unless he was concerned about why he would be attached to the
3 Marsalis address. That suggests to me that he's not going to
4 be truthful with the Court. He's not being truthful with the
5 Court's probation officers. So if you set conditions, I think
6 that he's going to attempt to evade those conditions.

7 I realize that he doesn't have any criminal history to
8 speak of, but the criminal history that we now know of or his
9 crimes that we now know of are incredibly serious. He's
10 selling serious drugs and he's somehow involved in the murder
11 of a witness to another murder. And so, for those reasons,
12 Judge, we think he should be detained and no condition or
13 combination of conditions would suffice.

14 THE COURT: Ms. Brennan?

15 MS. BRENNAN: Thank you. Your Honor, we would just
16 ask the Court to follow the recommendation in the Pretrial
17 Services report. And I would just add that there is no
18 evidence of Mr. Riser selling heroin or selling
19 methamphetamine. They have evidence of him selling marijuana
20 on two occasions, and then they have him tied to an apartment
21 where other people are living, but there is no evidence of him
22 personally making these sales. Evidence connecting him to the
23 murder I think is not -- I mean, very shaky, at best.

24 So, we would just ask the Court to consider his history and
25 characteristics. He's been in the Dallas community for 40

1 years. He can live at his parents' home. His sister is here,
2 his son's here, his mom and dad are both here, all to show
3 their support. The Court could place him on electronic
4 monitoring if there was some issue on thinking he's a flight
5 risk, but I highly doubt that, in his physical condition. And
6 so we would just ask the Court to place him on conditions of
7 release pending his trial. Thank you.

8 MR. MEITL: Your Honor, if I may. In case it wasn't
9 clear, on August 3rd the Richardson Police Department
10 negotiated a heroin purchase --

11 THE COURT: That's my understanding.

12 MR. MEITL: -- from Mr. Riser.

13 THE COURT: Yes. Thank you.

14 MR. MEITL: So he was involved in selling heroin.

15 THE COURT: The Court has heard the evidence here
16 today, has reviewed the Pretrial Service report, and has, of
17 course, considered all the evidence and the testimony. The
18 Government has filed a motion for detention in this case,
19 alleging a flight risk and a 10-year drug offense, invoking the
20 rebuttable presumption. The Court does not find that Mr. Riser
21 is a flight risk, I have no reason to believe that he wouldn't
22 show up to court appearances as required, and I think he's
23 rebutted the presumption on the flight risk basis. But he has
24 not rebutted the presumption that he is a danger to the safety
25 of the community. I won't even consider the information that

1 was provided to the Court regarding this young woman that was
2 murdered because I think it's just too sketchy for right now
3 for me to consider for purposes of bond. But the distribution
4 of heroin does make him a danger to the safety of the
5 community. Drugs and a gun were found in the residence that he
6 lived at. The Court does find that there are no conditions of
7 release that can be set that would ensure the safety of the
8 community. I order him detained.

9 What else for the Government?

10 MR. MEITL: Nothing else, Your Honor.

11 THE COURT: For the Defense?

12 MS. BRENNAN: Nothing, Your Honor.

13 THE COURT: Thank you. We're adjourned.

14 THE CLERK: All rise.

15 (Proceedings concluded at 1:45 p.m.)

16 --oOo--

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20 CERTIFICATE

21 I certify that the foregoing is a correct transcript from
22 the digital sound recording of the proceedings in the above-
entitled matter.

23 **/s/ Kathy Rehling**

10/16/2017

24

Kathy Rehling, CETD-444
Certified Electronic Court Transcriber

Date

25

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